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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23377	7590	05/04/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			PHAM, CHRYSTINE	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/685,667	Applicant(s) LINDBERG ET AL.	
	Examiner Chrystine Pham	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/2003</u> . | 6) ☐ Other: _____ |

DETAILED ACTION

1. This action is responsive to application 10/685667 filed on October 15th 2003. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the test operation" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Shupps et al. (Shupps et al., US 2002/0188890).

Claim 1

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Shupps et al. teach a system (see at least FIG.1 & associated text) for testing software (see at least *testing code*, *application* paragraph [0002]) comprising:

- an executor (see at least *client computer 12*, *server computer 16* FIG.1 & associated text; *computer-executable instructions*, *HTML*, *scripting code* paragraph [0069]) for executing (see at least *client computer 12*, *log file*, *log entries*, *transactions* paragraphs [0133]-[0137]; [0143]; 822 FIG.8 & associated text; 922 FIG.9 & associated text) at least one action (see at least *test script*, *action* paragraphs [0030]-[0036]; *transaction information* paragraphs [0115]-[0121]), the at least one action specified in an XML document (see at least *computer file*, *document*, *XML* paragraph [0030]; *rendered code*, *XML*, *scripting* paragraph [0074]; *files*, *XML* paragraph [0082]; *DOM*, *XML documents*, *components*, *application* paragraph [0087]; *testing*, *components* paragraph [0100]; *transaction information*, *computer file*, *document* paragraph [0121]),
- a dispatcher for instantiating the executor to execute the at least one action (see at least 822 FIG.8 & associated text); and
- a driver for receiving information associated with the execution of the at least one action, and for sending instructions to the dispatcher (see at least 816, 818, 822 FIG.8 & associated text).

Claim 2

The rejection of base claim 1 is incorporated. *Shupps et al.* further teach a logger for logging information associated with the execution of the at least one action (see at least *reporting mechanism* paragraph [0036]).

Claim 3

The rejection of base claim 2 is incorporated. *Shupps et al.* further teach wherein the logger logs trace statements (see at least *pass/fail statistics* paragraph [0037]).

Claim 6

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The rejection of base claim 2 is incorporated. *Shupps et al.* further teach wherein the logger logs errors (see at least *identification of any errors encountered, results, reports* paragraph [0037]).

Claim 7

The rejection of base claim 1 is incorporated. *Shupps et al.* further teach wherein the driver receives input comprising a level of logging to be performed (see at least *document validation, component validation* paragraphs [0147]-[0153]; 1112, 1142 FIG.11 & associated text).

Claim 8

The rejection of base claim 1 is incorporated. *Shupps et al.* further teach wherein the XML document comprises at least one action to be performed to test a software system (see at least *test script, action* paragraphs [0030]-[0036]; *transaction information* paragraphs [0115]-[0121]) and identifies an executor to execute the at least one action (see at least 822 FIG.8 & associated text; 922 FIG.9 & associated text; *client computer 12, log file, log entries, transactions* paragraphs [0133]-[0137]; [0143]).

Claim 9

The rejection of base claim 1 is incorporated. *Shupps et al.* further teach wherein the XML document specifies at least one action to be performed to initialize the software system (see at least 810 FIG.8 & associated text; 910 FIG.9 & associated text; *client computer 12, log file, log entries, transactions* paragraphs [0133]-[0137]; [0143]).

Claim 10

The rejection of base claim 1 is incorporated. *Shupps et al.* further teach wherein the XML document specifies at least one action to be performed to test the software system (see at least 810 FIG.8 & associated text; 910 FIG.9 & associated text; *client computer 12, log file, log entries, transactions* paragraphs [0133]-[0137]; [0143]).

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Claim 11

The rejection of base claim 10 is incorporated. *Shupps et al.* further teach wherein the XML document specifies at least one expected result of performing the at least one action (see at least *expected result, each action* paragraph [0034]; *expected results, transaction definition* paragraphs [0145]-[0146]).

Claim 12

The rejection of base claim 1 is incorporated. *Shupps et al.* further teach wherein the XML document specifies at least one action to restore the software to a testable state (see at least *transaction definition, version identifier, restore transaction definitions, rollback* paragraph [0166]; [0179]).

Claim 13

Shupps et al. teach a method of testing software (see at least *testing code, application* paragraph [0002]) comprising:

- determining at least one option associated with executing at least one action in a process (see at least *expected result, each action* paragraph [0034]; *expected results, transaction definition* paragraphs [0145]-[0146]), the action specifiable in an XML test case (see at least *computer file, document, XML* paragraph [0030]; *rendered code, XML, scripting* paragraph [0074]; *files, XML* paragraph [0082]; *DOM, XML documents, components, application* paragraph [0087]; *testing, components* paragraph [0100]; *transaction information, computer file, document* paragraph [0121]),
- associating the at least one action with an executor capable of executing the at least one action (see at least 810 FIG.8 & associated text; 910 FIG.9 & associated text; *client computer 12, log file, log entries, transactions* paragraphs [0133]-[0137]; [0143]); and
- executing the action (see at least 822 FIG.8 & associated text; 922 FIG.9 & associated text; *client computer 12, log file, log entries, transactions* paragraphs [0133]-[0137]; [0143]).

Claim 14

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The rejection of base claim 13 is incorporated. *Shupps et al.* further teach wherein the action comprises initializing a global testing environment (see at least *Globally Unique Identifier* paragraph [0103]; FIG.5 & associated text).

Claim 15

The rejection of base claim 13 is incorporated. *Shupps et al.* further teach wherein the action comprises initializing a testing environment for a single iteration of the test case (see at least 802-826 FIG.8 & associated text).

Claim 16

The rejection of base claim 13 is incorporated. *Shupps et al.* further teach wherein the action comprises a test operation (see at least *test script, action* paragraphs [0030]-[0036]; *transaction information* paragraphs [0115]-[0121]).

Claim 17

The rejection of base claim 13 is incorporated. *Shupps et al.* further teach wherein the action comprises validating the result of the test operation (see at least *transaction validation, actual results, transaction execution, expected results, transaction definition* paragraphs [0145]-[0146]).

Claim 18

The rejection of base claim 13 is incorporated. *Shupps et al.* further teach wherein the action comprises restoring a testing environment to a testable state (see at least *transaction definition, version identifier, restore transaction definitions, rollback* paragraph [0166]; [0179]).

Claim 19

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Shupps et al. teach a method of generating a test case (see at least *testing software, client computer 12, automatically create the transaction definition* paragraph [0122]; *automated transaction definition* paragraph [0129]) comprising identifying at least one action to be taken to test software (see at least 810 FIG.8 & associated text; 910 FIG.9 & associated text; *client computer 12, log file, log entries, transactions* paragraphs [0133]-[0137]; [0143]) and identifying an executor capable of executing the at least one action (see at least 822 FIG.8 & associated text; 922 FIG.9 & associated text; *client computer 12, log file, log entries, transactions* paragraphs [0133]-[0137]; [0143]).

Claim 20

The rejection of base claim 19 is incorporated. *Shupps et al.* further teach wherein the test case is a first test case and the first test case is copied and modified to generate a second test case (see at least *modify the transaction definitions* paragraph [0144]; 39 FIG.3 & associated text; *altered definition, new transaction definition, changes* paragraph [0165]).

Claim 21

The rejection of base claim 20 is incorporated. *Shupps et al.* further teach wherein a test group is generated by combining the first and second test cases into a test group (see at least *reusable definitions, new definitions* paragraph [0175]).

Claim 22

The rejection of base claim 21 is incorporated. *Shupps et al.* further teach wherein a second test group is generated by combining the test group with a third test case to generating a second test group (see at least *reusable definitions, new definitions* paragraph [0175]).

Claim 23

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Shupps et al. teach a computer-readable medium (see at least *ROM 122, 162, RAM 124, 164 FIG.1 & associated text*) including computer-executable instructions (see at least *software code paragraph [0068]*) for:

- o determining at least one option associated with executing at least one action in a process (see at least *expected result, each action paragraph [0034]; expected results, transaction definition paragraphs [0145]-[0146]*), the action specifiable in an XML test case (see at least *computer file, document, XML paragraph [0030]; rendered code, XML, scripting paragraph [0074]; files, XML paragraph [0082]; DOM, XML documents, components, application paragraph [0087]; testing, components paragraph [0100]; transaction information, computer file, document paragraph [0121]*),
- o associating the at least one action with an executor capable of executing the at least one action (see at least *810 FIG.8 & associated text; 910 FIG.9 & associated text; client computer 12, log file, log entries, transactions paragraphs [0133]-[0137]; [0143]*); and
- o executing the action (see at least *822 FIG.8 & associated text; 922 FIG.9 & associated text; client computer 12, log file, log entries, transactions paragraphs [0133]-[0137]; [0143]*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shupps et al.* in view of *Ogawa et al.* (*Ogawa et al.*, US 5608874).

Claim 4

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The rejection of base claim 2 is incorporated. *Shupps et al.* do not expressly disclose wherein the logger logs exceptions. However, *Ogawa et al.* disclose a system for testing software (see at least *error checking, validation* Abstract) wherein a logger (see at least *PostProcessor 601* FIG.9 & associated text) logs exceptions (see at least *Exception Report* col.4:52-53; *Warning/Error Report 627* FIG.9 & associated text). *Shupps et al.* and *Ogawa et al.* are analogous art because they are both directed to testing software. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of *Ogawa et al.* into that of *Shupps et al.* for the inclusion of logging exceptions, and warnings. And the motivation for doing so would have been to facilitate data analysis performed by the software testers and further assist the system in providing appropriate solutions and suggested remedies in accordance with the logged exceptions and warnings (see *Ogawa et al.* col.1:55-col.2:10; col.23:23-35).

Claim 5

The rejection of base claim 2 is incorporated. *Ogawa et al.* further teach wherein the logger logs warnings (see at least *Exception Report, warnings* col.4:52-53; *Test Result Report, warnings* col.6:49-52; *Warning/Error Report* col.23:23-35; 627 FIG.9 & associated text). It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of *Ogawa et al.* into that of *Shupps et al.* for the inclusion of logging warnings. And the motivation for doing so would have been the same as has been cited in claim 4.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CP
April 29, 2005



TUAN DAM
SUPERVISORY PATENT EXAMINER